

THE CAPITAL TERRITORY LOCAL GOVERNMENT ORDINANCE, 1979.

ORDINANCE No. XXXIX OF 1979

[20" August, 1979]

An Ordinance to provide for the constitution of Local Government institutions in the Capital Territory.

WHEREAS it is expedient to provide for the constitution of Local Government Institutions in the Capital Territory and to provide for matters connected therewith ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

Now, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. I of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :-

CHAPTER I

INTRODUCTORY

1. Short title, extent and commencement. — (1) This Ordinance may be called the Capital Territory Local Government Ordinance, 1979.

(2) It extends to the rural areas of the Capital Territory.

(3) It shall come into force at once.

2. Definitions.-(1) In this Ordinance, unless there is anything repugnant in the subject or context,-

(a) "animal" means cows, buffaloes, bulls, oxen, bullocks, heifers, calves, camels, sheep and goats ;

(b) "Authority" means the Capital Development Authority constituted under section 4 of the Capital Development Authority Ordinance, 1960 (XXIII of 1960) ;

(c) "bey-laws" means bye-laws made under this Ordinance,;

(d) "Capital Territory" means the Islamabad Capital Territory referred to in paragraph (b) of clause (1) of Article 1 of the Constitution ;

(e) "Chairman" means Chairman of a Union Council ;

(f) "Election Authority" means an authority constituted or officer appointed as Election Authority under section 17 ;

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“elected member” means a member elected to a Union Council ;

“electoral roll” means the electoral roll prepared under section 4 of the Electoral Rolls Act, 1974 (XXI of 1974) ;

“local area” means an area the limits of which have been declared under section 8;

“Local Fund” means the fund of a Union Council ;

“member” means a member of a Union Council ;

“official” means a person who is in receipt of salary from the revenues of the Federation or of a Province or out of the fund of a local authority;

“Order” means the Basic Democracies Order, 1959 (P. O. No. 18 of 1959) ;

“Panchayat” means a Village Panchayat constituted under section 81 ;

‘T(an) “peasant” means a person who is owner of not more than five acres of

agricultural and engages himself personally in the cultivation land;]

(o) “prescribed” means prescribed by rule ;

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“rules” means rules made under this Ordinance ;

“rural area” means any area of the Capital Territory which the Federal Government may, by notification in the official Gazette, declare to be rural area for the purposes of this Ordinance ;

“specified” means specified by standing orders of the Federal Government ;

“tax” includes any cess, fee, rate, toll or other impost leviable under this Ordinance ;

“Union Council” means a Union Council constituted under this Ordinance ;
“Vice-Chairman” means a Vice-Chairman of a Union Council ;

“village,” means the area comprising a revenue estate ;

'Cl. (nn) ins. by the Capital Territory Local Government (Second Amdt.) Ordinance, 1979 (69 of 1979), s. 2 (w.e.f 18 -8-79).

(w) "voter" means a person whose name for the time being appears on the electoral roll of the local area [; and]!

2[(x) "worker" has the same meaning as in the Industrial Relations Ordinance, 1969, and includes a self employed craftsman like blacksmith, carpenter, tailor and shoemaker].

(2) The words and expressions 'complaint', 'cognizable offence', 'officer--in-charge of a police-station' and 'police-station' shall have the same meaning as are respectively assigned to them in section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898), and the words 'decree' and 'movable property' shall have the same meaning as are respectively assigned to them in section 2 of the Code of Civil Procedure, 1908 (Act V of 1908).

3. Power to except local areas. — (1) The Federal Government may, by notification in the official Gazette, except any rural area or part thereof from the operation of all or any of the provisions of this Ordinance.

(2) While a notification under subsection (1) is in force, the Federal Government may make rules for the regulation of the matters so excepted.

4. Repeals and savings. — (1) On the assumption of office by a Union Council in any local area, the Order 3[and the Conciliation Courts Ordinance, 1961 (XLIV of 1961)], shall, in so far as applicable to that area, stand repealed.

(2) Where an enactment stands repealed under subsection (1), any appointment, rule, regulation or bye-law made, notification, order or notice issued, scheme framed, rights acquired, claims preferred, tax imposed or assessed, contract entered into, suit instituted or action taken under such enactment shall, so far as it is not inconsistent with the provisions of this Ordinance and the rules, be deemed to have been respectively made, issued, framed, acquired, preferred, imposed or assessed, entered into, instituted or taken under this Ordinance.

'Subs. by the Capital Territory Local Government (Second Amdt.) Ordinance, 1979 (69 of 1979), for full-s
?Added ibid., (w.e.f. 18-8-79).

3The words in crotchetts have been omitted to the extent of rural areas of the Capital Territory by Ordinan

5. Succession. A Union Council constituted under this Ordinance for a local area shall be the successor of such Union Council as was constituted for that area under the Order.

6. Ordinance to override other laws. The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law relating to Local Government.

7. Certain matters to be prescribed. Where this Ordinance makes any provision for anything to be done but no provision has been made as respects the authority by whom, or the manner in which, it shall be done, then it shall be done by such authority and in such manner as may be prescribed.

8. Declaration of limits of local areas. The Federal Government shall, by notification in the official Gazette, declare the limits of each local area:

Provided that, as far as may be, a local area shall be a territorial unit and fulfil the requirements of becoming a unit of planning and development.

CHAPTER II CONSTITUTION OF UNION COUNCILS

9. Constitution of Union Councils.— (1) For each local area, a Union Council shall be constituted in accordance with the provisions of this Ordinance.

(2) Each Union Council shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Ordinance and the rules, to acquire, hold and transfer property, both movable and immovable, and shall, by its name, sue and be sued.

(3) The Federal Government may, by notification in the official Gazette, specify the name by which any Union Council shall be known and, unless the name of a Union Council is so specified it shall be known as the Union Council of the place where its office is situated.

10. Division, amalgamation and reconstitution of Union Council.—(1) The Federal Government may, by notification in the official Gazette, divide a Union Council into two or more Union Councils or alter the limits of any Union Council or amalgamate to or Union Councils and may specify in the notification the consequences which shall ensue upon the publication of such notification.

(2) When, as a result of such division, alteration or amalgamation, any new Union Council is constituted in accordance with the provisions of this Ordinance or in the manner specified in the notification, the existing members of any such Union Council so divided, altered or amalgamated shall become the members of such Union Council or Councils as the Federal Government may, by notification in the official Gazette, specify as if such members had been elected to that Council.

CHAPTER II

COMPOSITION OF UNION COUNCILS

11. **Union Councils.** A Union Council shall consist of such number of members as may be specified keeping in view the population of the local area for which it is constituted.

12. **Representation of minorities.** A Union Council may, in addition to the number of members specified under section 11, have such number of members from the minority communities as the Federal Government may, by notification in the official Gazette, fix.

13. **Representation of peasants, workers and women.** — (1) A Union Council may have such number of members representing peasants, workers and women as may be fixed by the Federal Government and such members shall be elected by the elected members of each Union Council in the prescribed manner.

(2) Nothing contained in subsection (1) shall prevent the peasants, workers and women from being elected to a general seat in a Union Council.

CHAPTER IV

ELECTION AND RELATED MATTERS

14. **Elections of Chairman and Vice-Chairman of Union Councils.** Subject to the provisions of this Ordinance, the Chairman and Vice-Chairman of a Union Council shall be elected in the prescribed manner.

15. **Mode of elections.** — (1) Save as otherwise provided, election of members of Union Councils shall be on the basis of adult franchise through ballot.

(2) The electoral unit may be multi-member or single-member.

(3) In any multi-member electoral unit the candidates securing the highest numbers of votes shall be declared as elected.

(4) Every voter within an electoral unit shall have only one vote irrespective of the number of members to be elected from that electoral unit.

16. **Election of members from minority communities.** Members from the minority communities shall be elected by the voters enrolled on the electoral roll of a local area for non-Muslims and the provisions of section 15 shall mutatis mutandis apply to their election.

17. **Election Authority.** — (1) The Federal Government may appoint an Election Authority for holding elections to the Union Councils.

(2) The Election Authority shall exercise such powers and perform such functions as may be prescribed.

(3) It shall be the duty of the Election Authority to ensure that the elections are conducted honestly, justly, fairly and in accordance with the law and that corrupt practices are guarded against.

18. Delimitation of electoral units. The electoral units for all the Union Councils shall be delimited by the Election Authority and notified in the prescribed manner.

19. Number of members in electoral units. The number of members to be elected from each electoral unit shall be fixed by the Election Authority in accordance with the provisions of this Ordinance.

20. Right of vote. Every person enrolled as a voter on the electoral roll shall have the right to vote:

Provided that, if a person is enrolled twice, whether in the same electoral unit or in more than one electoral units, he shall be eligible to vote only once.

21. Qualifications of candidates and members. A person who is not less than twenty-one years of age on the last day fixed for filing the nomination papers shall be qualified to be elected as a member of a Union Council if for the time being his name appears on the electoral roll of the local area of that Council and is not subject to any disqualification specified in section 22.

22. Disqualifications of candidates and members. A person shall be disqualified from being elected as, and from being, a member of a Union Council if he—

(a) has ceased to be citizen of Pakistan ;

(b) is an undischarged insolvent ;

(c) is of unsound mind and has been so declared by a competent Court;

(d) has been on conviction for an offence involving moral turpitude sentenced to imprisonment for a term of not less than six months, unless three years, or such less period at the Federal Government in any case may specify, have elapsed

from the date of expiration of the period of sentence ;

(e) is in the service of Pakistan or of a public statutory corporation, a Union Council or other local authority ;

(f) is under contract for work to be done or goods to be supplied to the Union Council concerned or has otherwise any pecuniary interest in its affairs ; or .

(g) fails to take oath or to declare his properties as required under this Ordinance.

'[22A. Candidate not to contest election on political party basis.— (1) No person contesting election to a Union Council shall, directly or indirectly, —

- (a) give himself out as a candidate or nominee of a political party ;
- (b) claim, draw or receive any financial or other assistance from any political party for the purpose of the election;
- (c) bear, display or carry any document, sign, insignia, flag or any other thing indicating his association with, or affiliation to, a political party;
- (d) seek the votes or sympathies of the people on party basis or on the basis of the manifesto of any political party; or
- (e) seek the votes or support of the people by attributing direct or indirect party affiliations to any of his opponents.

(2) Whoever—

- (a) is found by the Election Authority to have contravened the provisions of sub-section (1) shall stand disqualified from being a candidate for election to a Union Council for a period of four years; or
- (b) having been elected as a member of a Union Council is found by the Election Authority to have contravened the provisions of sub-section (1) shall cease forthwith to hold the office of such member and stand disqualified from being a candidate for election to a Union Council for a period of four years. |

23. Conduct of elections. Elections to Union Councils shall be conducted in the prescribed manner.

CHAPTER V

TERM OF OFFICE, ETC.

24. Term of office. — (1) The term of office of a Union Council shall be four years commencing on the date on which it holds its first meeting :

Provided that, on the expiry of the term of office of a Union Council, the Federal Government may extend the term of office for a period not exceeding six months or appoint any person for the like period to perform such functions of the Union Council as may be specified.

'Section 22A ins. by the Capital Territory Local Government (Amdt.) Ordinance, 1979 (45 of 1979), s. 2.

(2) A Union Council shall elect one of its members as Chairman and another as Vice-Chairman in its first meeting and to the exclusion of any other business :

Provided that the first meeting shall be held not later than thirty days from the day on which the names of its members are notified.

(3) The term of office of a Chairman and a Vice-Chairman shall be the same as that of a Union Council.

25. Oath of office. A member, Chairman and Vice-Chairman shall, before he enters upon his office, make and subscribe to an oath in such form as may be prescribed.

26. Declaration of properties. Every Chairman, Vice-Chairman and member shall, before he enters upon his office, submit to an officer authorised by the Federal Government in this behalf and in such manner as the Federal Government may direct, a declaration in writing of properties, both movable and immovable, whether within or outside Pakistan, which he or any member of his family owns or has in his possession or under his control or in which he or any member of his family has any beneficial interest.

Explanation.-For the purposes of this section, the expression "member of his family", in relation to a person, means—

(a) the spouse of such person, and

(b) such of the children, parents, brothers and sisters as reside with, and are wholly dependent upon, such person.

27. Casual vacancy. — (1) If the office of a member or a Chairman or a Vice-Chairman for any reason falls vacant during the term of office of a Union Council, a new member or Chairman, or Vice-Chairman, as the case may be, shall be elected in the prescribed manner and he shall hold office for the residue of such term:

Provided that, if the vacancy in the office of a member occurs within four months of the expiry of the term of a Union Council, the vacancy shall not be filled.

(2) Notwithstanding anything contained in sub-section (1), unless the time is extended by the Federal Government, the vacancy in the office of the Chairman or Vice-Chairman shall be filled within fifteen days from the date such vacancy is notified.

28. Removal. — (1) The Federal Government may, after giving him an opportunity of being heard, remove a Chairman or a Vice-Chairman or a member from office in the prescribed manner if he—

(a) has incurred any of the disqualifications enumerated in section 22 ;

(b) absents himself without reasonable cause from three consecutive meetings of the Union Council ; or

(c) is guilty of abuse of power or misconduct.

Explanation.-For the purposes of this subsection, 'misconduct includes bribery, corruption, jobbery, favouritism, nepotism or wilful diversion of the funds of the Union Council or any attempt at, or abetment of such misconduct.

(2) A Chairman, a Vice-Chairman or a member removed under subsection (1) may prefer an appeal in the prescribed manner to the officer or authority appointed for the purpose by the Federal Government.

(3) A Chairman or a Vice-Chairman removed from office shall cease to be a member.

29. Resignation. A Chairman, a Vice-Chairman or a member may resign his office by writing under his hand addressed to the Union Council of which he is the Chairman, Vice-Chairman or member.

30. Vote of no confidence. A Chairman or Vice-Chairman shall vacate office if a vote of no-confidence is passed against him in the prescribed manner by two-third majority of the total number of members of the Union Council holding office for the time being:

Provided that—

(a) a motion of no-confidence shall not be moved by less than one-fourth of the total number of members ;

(b) a motion of no-confidence shall not be moved before the expiry of six months of his assumption of office as Chairman or Vice-Chairman ; and

(c) where a motion of no-confidence against a Chairman or Vice-Chairman has been moved and as failed to secure the requisite majority of votes in its favour at the meeting, no similar motion shall be moved against him before the expiry of twelve months from the date such motion was moved.

31. Bar against re-election. When a Chairman or a Vice-Chairman is removed from office under section 30, he shall not, during the unexpired period of the term of his office, be eligible for re-election to the said office.

32. Honorarium. Every Chairman and Vice-Chairman shall be part-time functionary of the Union Council and shall be paid such honorarium or allowance as may be prescribed.

33. Notification of election, resignation and removal of Chairman, Vice Chairman and members. Every election, resignation or removal of the Chairman, Vice-Chairman or a member, or the vacation of office by a Chairman, Vice-Chairman or a member, shall be notified in the official Gazette.

CHAPTER VI

EXECUTIVE POWERS AND CONDUCT OF BUSINESS

34. Executive authority and conduct of business. — (1) The executive authority of a Union Council shall extend to the doing of all acts necessary for the due discharge of its functions under this Ordinance.

(2) Save as otherwise provided, the executive authority of a Union Council shall vest in and be exercised by its Chairman.

(3) All acts of a Union Council, whether executive or not, shall be expressed to be taken in the name of the Union Council and shall be authenticated by any officer authorised by the Council.

35. Duties of the Chairman. It shall be the duty of the Chairman—

(a)

(b)

(c)

(d)

to preside, unless prevented by reasonable cause, at all meetings of the Union Council, and, subject to the provisions of the rules for the time being in force, to regulate the conduct of business at such meetings ;

to watch over the financial and executive matters of the Union Council and to perform such executive function as may be allotted to him by or under this Ordinance ;

to exercise supervision and control over the acts and proceedings of all officers and servants of the Union Council in matters of executive administration and in matters concerning the accounts and records of the Union Council ; and to dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances:

Provided that the service matters of officers belonging to any cadre constituted under section 41 shall be referred to the Federal Government ;

to direct in cases of emergency the execution or stoppage of any work or the doing of any act which requires the sanction of the Federal Government of the Union Council, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and to direct that the expenses of executing such work or doing such act shall be paid from the Local Fund:

Provided that he shall-

(i) not act under this section in contravention of any order of the Federal Government or the Union Council prohibiting the execution of any particular work or the doing of any particular act, and

(ii) report . forthwith the action taken under this section and the reason therefor to the Federal Government and to the Union Council at its next meeting.

36. Secretary of Council. There shall be a Secretary in every Union Council who will perform such functions as may be delegated to him by the Council.

37. Disposal of business.— (1) The business of a Union Council to the extent and in the manner prescribed shall, subject to the provisions of this Ordinance, be disposed of at its meetings, or at the meetings of its subcommittees, or by its Chairman or servants or other functionaries.

(2) No proceedings of a Union Council shall be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of, the Council, or by reason only that some person who was not entitled to do so sat or voted or otherwise took part in its proceedings.

(3) A Union Council may appoint sub-committees consisting of such number of its members and other persons, if any, to perform such functions in such manner as may be prescribed.

(4) All decisions taken by a Union Council shall be reported to the Federal Government within the prescribed time.

(5) All questions shall be decided by a majority of the members present and voting ; the person presiding having a second or casting vote in case of equality of votes.

38. Meetings. — (1) A Union Council shall within three months of the assumption of office frame bye-laws for the conduct of its meetings which may, besides other matters, provide for—

(a) the types of meeting, that is to say, ordinary, special or emergent ;

(b) the types of business to be conducted in different types of meetings ;

(c) the place of meetings ;

(d) notices required for different meetings ;

(e) authority to call meetings ;

(f) notice of agenda for the meetings ;

(g) quorum for different meetings ;

(h) order of business to be conducted in meetings ;

(i) the manner of asking questions ;

G) motion and amendments and their withdrawal for discussions on them ;

(k) speeches to be delivered ;

- (1) training, discourses or discussions to be arranged at the meetings ;
- (m) preservation of order ;
- (n) decision by votes ;
- (o) language to be used ;
- (p) adjournments or postponements ;
- (q) co-opting of other members or officials ;
- (r) _ re-consideration of the matters. once disposed of ; and
- (s) | suspension of meetings.

(2) All meetings of a Union Council shall be presided over by its Chairman, and, in his absence, by the Vice-Chairman and, in the absence of both, by a member chosen for that purpose by the members present.

(3) A Union Council shall hold at least one meeting during a month.

(4) A member shall not be liable to any proceedings in any Court in respect of anything said by him or any vote given by him in the meeting of a Union Council so long as the action does not undermine the ideology, integrity or solidarity of Pakistan.

(5) All meetings shall be public except when a Union Council by a majority vote decides to consider any matter in a session attended exclusively by its members.

(6) Minutes of the names of members present and of the proceedings at each meeting shall be drawn up and recorded in a book to be kept for the purpose which shall be signed by the person presiding at the meeting and shall at all reasonable times and without charge be open to inspection by members; provided that no member shall be entitled to object to the minutes of any meeting in which he was present.

(7) A member who, directly or indirectly, by himself or by any partner, employer or employee has any share or interest in respect of any matter, or has acted professionally in relation to any matter on behalf of any person having therein any such share or interest as aforesaid, shall not vote or take part in any proceedings relating to a matter aforesaid of a Union Council or any of its committees.

39. Contracts. — (1) All contracts made by or on behalf of a Union Council shall be-

- (a) in writing and expressed to be made in the name of the Union Council ; and
- (b) executed in such manner as may be prescribed.

(2) No contract executed otherwise than in conformity with the provisions of this section shall be binding on the Union Council.

(3) Any person who has, directly or indirectly, by himself or by any partner, any share or interest in any contract with, by or on behalf of a Union Council or in any employment with, under, by or on behalf of the Union Council, other than as an officer or servant of a Union Council, shall be disqualified for being an officer or servant of such Union Council.

(4) Any officer or servant of a Union Council who acquires, directly or indirectly, by himself or by his partner, any interest in any such contract or employment as aforesaid shall, after enquiry in the prescribed manner, cease to be a Union Council officer or servant.

40. Works. The Federal Government may, by rules, provide for—

(a) the preparation of plans and estimates for works to be executed by a Union Council;

(b) the authority by whom and the conditions subject to which such plans and estimates shall be technically approved and estimates administratively sanctioned ; and

(c) the agency by which such plans and estimates shall be prepared and such works shall be executed.

CHAPTER VII ADMINISTRATION OF SERVICES

41. Cadres of functionaries. — (1) The Federal Government may constitute one or more cadres of functionaries of Union Councils comprising such pay scales and grades and in such manner and subject to such conditions as may be prescribed.

(2) The Federal Government may, from time to time, specify the posts in the Union Councils which shall be filled by persons belonging to these cadres.

(3) Notwithstanding the provisions of subsection (1) members of the Local Councils Service constituted under the Order, may be absorbed in a cadre constituted under that subsection, if they possess qualifications prescribed therefor.

42. Servants of Union Councils. — (1) A Union Council may, and if so required by the Federal Government shall, on the prescribed terms and conditions, employ such servants as are deemed necessary for the efficient performance of its functions under this Ordinance.

(2) If, in the opinion of the Federal Government, the number of servants employed by a Union Council under subsection (1) or the remuneration fixed for any of them is excessive, the Union Council shall, on being required by the Federal Government to do so, reduce the number of its servants or the remuneration of any of them, as the case may be.

(3) Pending constitution of a cadre of functionaries of Union Councils, and notwithstanding anything contained in any other law, rule or instruction, the Local Councils Service constituted under the Order is declared to be a Service of Pakistan and a person who, being a member of the Local Councils Service, was serving a Local Council in the rural area immediately before the commencement of this Ordinance shall be deemed to be a civil servant for the purposes of the Service Tribunals Act, 1973 (LXX of 1973).

43. Disciplinary action and transfer. — (1) Subject to the provisions of this Ordinance and the rules, the appointing authority or an officer authorised in this behalf may suspend, remove, dismiss, reduce in rank or otherwise punish any person belonging to a cadre of functionaries and the other servants of a Union Council;

Provided that no such person or servant shall be dismissed, removed from service or reduced in rank by an authority subordinate to that by which he was appointed.

(2) Notwithstanding anything contained in any other law, rule, contract or judgment or decree of any Court, persons belonging to a cadre of functionaries and all other servants of Union Councils shall be liable to transfer by the Federal Government or any officer or authorised by the Federal Government in this behalf from one Union Council to another Union Council in any capacity:

Provided that on transfer a servant of a Union Council shall be entitled to draw pay in the same National Pay Scale plus special pay or allowances, if any, attached to the post to which he is transferred irrespective of any special pay or allowances he was drawing at the time of his transfer:

Provided further that on transfer of a servant of a Union Council, the lien and all service benefits including pensionary rights accrued to or earned by him shall stand transferred to and be the liability of the Union Council to which he is transferred and he shall be deemed to be its servant Provided further that leave salary and pension contribution for the period for which he has already served shall be paid by the Union Council from which he is transferred to the other Union Council:

Provided further that leave salary and pension contribution for the period for which he has already served shall be paid by the Union Council from which he is transferred to the other Union Council.

44. Provident Fund, pension and other facilities. — (1) A Union Council may establish and maintain a Provident Fund and require any of its servants to contribute to such fund, any may itself contribute to it in such manner and in such proportion as may be prescribed.

(2) A Union Council may, in the prescribed manner, and with the previous sanction of the Federal Government, provide for the payment of pension to its servants after retirement.

(3) A Union Council may, with the previous sanction of the Federal Government, grant a special pension or gratuity to the family of a servant who dies of disease or injury contacted or suffered in the discharge of his official duties.

(4) A Union Council may, in the prescribed manner, operate a scheme of group insurance for its employees and require its employees to subscribe to it.

(5) The Federal Government may, in the prescribed manner, establish and maintain—
(a) a Fund for a cadre of functionaries for maintenance of such cadre ;

(b) a Provident Fund and require persons belonging to a cadre functionaries to subscribe to such Fund ; and

(c) a Pension Fund out of which shall be paid any pension, family pension or gratuity to persons belonging to a cadre of functionaries.

(6) Every Union Council shall contribute to the funds established and maintained under subsection (5) in such proportion and in such manner as may be specified by the Federal Government.

(7) The Federal Government may, in the manner prescribed, operate a scheme of group insurance for persons belonging to a cadre of functionaries and require them to subscribing to it.

45. Service rules.—(1) Subject to the provisions of this Ordinance, the Federal Government may, by rules, —

(a) prescribe the conditions of service of the servants of the Union Councils;

(b) prescribe the scales or grades of pay for the servants of the Union Councils;

(c) prescribe a schedule of establishment for the staff that shall be employed by a Union Council ;

(d) prescribe the qualifications for various posts under Union Councils ;

(e) prescribe the principles to be followed in making appointments to various posts under the Union Councils ;

(f) prescribe the method for the holding of enquiries in cases where disciplinary action is proposed to be taken against servants of the Union Councils and

provide for penalties and appeals against orders imposing penalties ; and

(g) provide for other matters necessary for the efficient discharge of duties by the servants of the Union Councils.

(2) Subject to the provisions of this Ordinance, the Federal Government may make rules in respect of any or all matters mentioned in subsection (1) for persons belonging to a cadre of functionaries.

46. Training and training institutions. — (1) The Federal Government may—

(a) set up institutions or make such other arrangements as may be necessary for-

(i) the pre-service and in-service training of the functionaries of the Union Councils, Government departments and other interested agencies;

(ii) the training of Chairman, Vice-Chairman and members ;

(iii) organizing conferences and seminars on local Government and related subjects ; and

(iv) undertake research in local Government and allied subjects independently or in collaboration with the Universities or research institutions ; and

(b) provide for—

(i) | the administration of institutions ;

(ii) the compulsory training of members and staff of Union Councils ;

(iii) the courses to be studied ;

(iv) the holding of examinations and award of diplomas and certificates to successful candidates ;

(v) affiliating institutions with a University ; and

(vi) associating with such universities, colleges or training institutes as may be necessary for the training of staff of the engineering, education, public health and other departments of Union Councils.

(2) A Union Council may be required to pay towards the cost of institutions set up or for other arrangements made under subsection (1) in such proportion as the Federal Government may, from time to time, determine.

CHAPTER VIII FUNCTIONS OF UNION COUNCILS

47. Functions of Union Councils. A Union Council may, and if the Federal Government so directs shall, perform all or any of the functions specified in the First Schedule.

CHAPTER IX

ENCROACHMENTS AND SUBSISTING LEASES AND LICENCES

48. Encroachment. — (1) No person shall make an encroachment, movable or immovable, on an open space or land vesting in, or managed, maintained or controlled by, a Union Council, or on, over or under a street, road graveyard, or drain within the local area of a Union Council except under a licence granted by the Union Council and to the extent permitted by such licence.

(2) A Union Council may, without any notice, remove the encroachment mentioned in subsection (1) with such force as may be necessary.

(3) Whoever trespasses into, or is in wrongful occupation of, a building or property other than those mentioned in subsection (1) which vests in or is managed, maintained or controlled by a Union Council may, in addition to any penalty to which he may be liable under this Ordinance or any other law for the time being in force, after such notice as may be provided by the Union Council, be ejected from such building or property by the Union Council with such force as may be necessary.

(4) Notwithstanding anything contained in any other law for the time being in force, no compensation shall be payable for any encroachment removed or ejection carried out under this section.

49. Subsisting leases and licences. — (1) If on the expiry of the period of any lease of licence in respect of land or building or any other property of which a Union Council is the lessor or licensor, or on the determination or cancellation of such lease or licence or on the breach of any of the terms and conditions of the lease or licence, any lessee or licensee holds or continues in possession of the demised land or building or property, or if such land or building or property is required for any public purpose, the lessee or licensee, on being required to hand over vacant possession within the specified time, refuses or fails to vacate that land or building or property, the Union Council or any officer authorised by it in this behalf may, notwithstanding anything contained in any other law, judgment, order or decree for the time being in force or in any contract, at any time, enter upon the licensed or demised land or building or property and recover vacant possession of the land or building or other property by evicting the lessee or licensee and may also demolish and remove the structures, if any, erected or built thereon.

(2) The cost of demolition and removal of structures under subsection (1) shall be payable to the Union Council by the lessee or licensee, as the case may be, and if the cost is not paid on demand, the Union Council may cause the material of the structures demolished and removed to be sold in auction, and if the proceeds of the sale are not sufficient to cover the cost, the balance shall be recoverable as arrear of land revenue, but if such proceeds exceed the cost, the excess shall be paid to the lessee or the licensee, as the case may be.

Explanation. — For the purposes of section (1) and subsection (2), and terms "lessee" and "licensee" include the person in whom the ownership of the structures is vested at the time of removal or demolition and also any person in possession thereof on his account or with his permission or connivance.

(3) Notwithstanding anything contained in any other law for the time being in force or in any contract, where the lessee or the licensee of land or building or other property is or has been a functionary of a Union Council or has been posted in a Union Council, the lease or the licence in respect of such land or building or property shall, in addition to the grounds mentioned in section 62 of the Easements Act, 1882 (Y of 1882), stand determined or revoked on the discharge, removal, dismissal, resignation, retirement or death of such lessee or licensee or on his transfer from the said Union Council.

(4) On the determination or revocation of a lease or licence in respect of land or building or other property, the lessee or the licensee referred to in subsection (3) shall, notwithstanding anything contained in any other law for the time being in force or in any contract, forth with put the Union Council into possession of such land or building or property, failing which the Union Council or any officer authorised by it in this behalf may evict the lessee or licensee and any other person, whether in occupation on behalf of the lessee or the licensee or otherwise.

(5) For the purpose of eviction of lessees or licensees under the provisions of this section, an officer authorised by the Union Council in this behalf may use or cause to be used such force as may be necessary and, if he requires magisterial or Police assistance in the exercise of his powers, he may send requisition to the District Magistrate or the officer-in-charge of a police-station who shall on such requisition render the assistance required.

(6) If any sum is payable as rent or fee in respect of any land or building or other property on the day of recovery of possession of such land or building or property, the same, with interest, if any, accrued thereon, shall be recoverable as arrear of land revenue.

CHAPTER X DEVELOPMENT PLANS

50. Development Plans. — (1) Subject to the development schemes of the Authority, a Union Council may prepare development plans relating to any matter specified in the First Schedule which may among other details of the plans, include the following :-

- (a) nature and location of the scheme or schemes ;
- (b) total estimated cost ;
- (c) sources of finances ;
- (d) date of commencement ;
- (e) date of completion ;
- (f) manner of execution ;
- (g) agencies responsible for maintenance ;
- (h) benefits, tangible or intangible to accrue ; and
- (i) such other matters as may be necessary.

(2) The development plan of a Union Council shall be sanctioned in its ordinary meeting.

(3) As far as may be, the schemes included in the development plan shall be included in the budget.

(4) The Federal Government may direct that any specified items of income shall wholly or in part be earmarked for and applied in the implementation of a development plan.

51. Social Welfare projects. A Union Council may sponsor or promote social welfare through community development projects for its local area or any part thereof and may in this behalf, subject to the approval of the Federal Government, perform such functions as may be necessary.

52. Commercial schemes. A Union Council may, with the previous sanction of the Federal Government, promote, administer, execute and implement schemes for undertaking any commercial or business enterprise.

CHAPTER XI LOCAL FUND AND PROPERTY

53. Constitution of local and special funds. — (1) For every Union Council there shall be formed a Local Fund.

(2) To the credit of the local Fund formed under subsection (1) shall be placed—

(a) the balance of such fund as, on the coming into force of this Ordinance, is at the disposal of a Union Council as constituted under the Order of which the Union

Council concerned is declared to be successor under section 5 ;

(b) proceeds of all taxes, tolls, fees, rates and other charges levied by the Union Council under this Ordinance ;

(c) all rents and profits payable or accruing to a Union Council from the property vested in or managed by it ;

(d) all sums received from sale of blood of cattles slaughtered in the Union Council slaughter house ;

(e) all sums received by the Union Council in the performance of its functions under this Ordinance or under any other law for the time being in force ;

(f) all sums contributed by individuals or institutions or other Union Council or other local authorities ;

(g) all receipts accruing from trusts placed under the management of the Union Council ;

(h) all grants made by the Federal Government or other authorities ;

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all loans raised and all profits or interest accruing from investment ;
all fines imposed under this Ordinance ;
all fines awarded to the Union Council under any law ; and

such proceeds from such sources of income as the Federal Government may direct to be placed at the disposal of the Union Council.

54. Custody and investment. The money credited to a local Fund shall be kept or invested in such manner as may be specified by the Federal Government from time to time.

55. Application of the Local Fund. The moneys from time to time credited to the Local Fund shall be applied in the following order of preference, namely—

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in the payment of salaries and allowances to the staff of the Union Council ;

in the payment of the honoraria and allowances ;

in the repayment of loans ;

in meeting the expenditure charged in the Local Fund under this Ordinance ;
in the fulfilment of any obligation and in the discharge of any duty imposed on Union Council under this Ordinance or under any other law for the time being in force ;

in meeting the expenditure declared by the Union Council, with the previous sanction of the Federal Government, to be an appropriate charge on the local Fund ; and

in meeting the expenditure declared by the Federal Government to be an appropriate charge of the Fund.

56. The charged expenditure. — (1) The following expenditure shall be compulsorily charged on the local Fund that is to say—

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such sums as are required for repayment of loans ;

any sum required to satisfy and judgment, decree or award against the Union Council by any Court of Tribunal ;

such sums as may be payable to the Chairman and Vice-Chairman under section 32;

such sums at the Union Council may be required by the Federal Government to contribute towards the conduct of elections and the auditing of accounts ; and

any expenditure declared by the Federal Government to be so charged.

(2) If any expenditure is a compulsory charge on the Local Fund and is not paid, the Federal Government may, by order, direct the person having the custody of the Local Fund to pay such amount, or much thereof as may be possible from time to time, from the balance of the Local Fund.

57. Budget. — (1) Every Union Council shall, in the prescribed manner, prepare and sanction, before the commencement of each financial year, a statement of its estimated receipts and expenditure for that year and forward a copy thereof to the Federal Government.

(2) If the budget is not prepared or sanctioned by a Union Council before the commencement of any financial year, the Federal Government may have the necessary statement prepared and certify it, and such certified statement shall be deemed to be the sanctioned budget of the Union Council.

(3) At any time before the expiry of the financial year to which a budget relates, a revised budget for the year may, if necessary, be prepared and sanctioned and such revised budget shall, so far as may be subject to the provisions of this section.

(4) If an officer at whose disposal funds have been placed by a Union Council considers it necessary to incur expenditure on a sanctioned item in excess of the amount duly sanctioned or provided for in the budget by way of re-appropriation, he shall submit such proposal for decision of the Union Council:

Provided that no expenditure on any item shall be incurred by re-appropriation if it was specially reduced by the Union Council at the time of sanctioning the budget.

58. Accounts. — (1) Accounts of the receipts and expenditure of a Union Council shall be kept in the prescribed manner and form.

(2) An annual statement of the accounts shall be prepared after the close of every financial year and shall be transmitted to the Federal Government by such date as may be specified.

(3) A copy of the annual statement of accounts and such other statements as may be prescribed shall be displayed at a conspicuous place in the office of the Union Council concerned for public inspection, and all objections or suggestions concerning such accounts received from the public shall be considered by the Union Council and brought to the notice of audit authority referred in section 59.

59. Audit. — (1) The accounts of a Union Council shall be audited periodically in such manner and after such interval and by such authority as may be prescribed.

(2) The audit authority shall have access to all the books and other documents pertaining to accounts and may also examine the Chairman, Vice-Chairman or any member or servant of the Union Council.

(3) On the completion of audit, the audit authority shall, in the prescribed manner, submit to the Federal Government and to the Union Council an audit report which shall, among other things, mention—

- (a) cases of embezzlement, if any ;
- (b) cases of loss, misappropriation, waste or misapplication of Local Fund ; and
- (c) cases of other irregularities in the maintenance of accounts.

(4) The audit report shall be published by every Union Council and displayed at a conspicuous place for information of the public.

(5) The Federal Government may constitute a Union Council's Accounts Committee consisting of official and non-official members to review audit reports made under this section and to perform such other functions as may be prescribed.

60. Loans.—(1) Subject to the provisions of this Ordinance or any other law for the time being in force, a Union Council may, with the previous sanction of the Federal Government and subject to such conditions as it may consider necessary, raise loans.

(2) The loans may be raised by the issue of bills or promissory notes or on the security of immovable property vested in a Union Council or of all or any of the taxes and dues authorised by this Ordinance:

Provided that the bills or promissory notes so issued shall be payable within a period not exceeding twenty-four months.

(3) The loans raised by a Union Council may be spent on the carrying out of any works which it is legally authorised to carry out, or on acquisition of land or the running of commercial scheme or for payment of a loan raised under this Ordinance or any loan or debt for the repayment of which a Union Council is liable.

(4) If any money borrowed in accordance with the provisions of this Ordinance or any interest or cost due in respect thereof is or are not repaid according to the conditions of the loans, the Federal Government may attach the funds on the security of which the loan was made, and after such attachment, no person except an officer appointed in this behalf by the Federal Government shall in any way deal with the attached funds, but such officer may do all acts in respect thereof which the borrowers might have done ; if such attachment had not taken place, and may apply the proceeds in satisfaction of the loan and of all interests and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the funds attached were previously pledged in accordance with this Ordinance but all such prior charges shall be paid out of the proceeds or the funds before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

(5) The Federal Government may establish a Union Council's Development Loan Fund and may require Union Councils to contribute to such fund and may regulate the operation of such Fund by rules.

61. Property of Union Councils.—(1) A Union Council may acquire and hold property, both movable and immovable, whether within or without the limits of the local area of the Union Council.

(2) Subject to any reservation made, or any conditions imposed, by the Federal Government, all property specified hereunder shall vest in a Union Council, that is to say—

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all property which vested in any Union Council constituted under the Order of which the Union Council is the successor ;

all property acquired by a Union Council by gift, purchase or otherwise ;

all public buildings including Union halls, Union walls and gates, which have been constructed or are maintained out of the Local Fund ;

all lands, open spaces, playgrounds, gardens, parks and other places of public resort transferred to a Union Council by the Federal Government or acquired by a Union Council by gift, purchase or otherwise for a public purpose ;

all public streets, bridges and other means of public communication and parking meters as are maintained out of the Local Fund ;

all drains, sewers, culverts, and other channels for sullage as are maintained out of the Local Fund ;

all refuse collected by a Union Council, or deposited at places fixed by a Union Council and any sullage flowing in any drain, sewer or channel;

all works for the disposal of refuse and night-soil including septic tanks, night-soil depots, trenching grounds and incinerators maintained out of the Local Fund

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all waterworks, water mains and pipes, standposts, hydrants, water troughs and hand-pumps maintained out of the Local Fund ;

all public lamps, lamp posts and other appliances for street lighting maintained out of the Local Fund ;

all trees, plants and flowers on road-sides and other places maintained out of the Local Fund ;

all the property which may vest in a Union Council under any law or under any order passed by the Federal Government.

(3) A Union Council may—

(a) manage, maintain, inspect, develop or improve any property which is owned by it or vests in it or is placed under its charge ;

(b) apply such property for the purposes of this Ordinance ; and

(c) acquire or transfer by grant, gift, sale, mortgage, lease, exchange or otherwise any property in the prescribed manner.

(4) The Federal Government may by rules—

(a) provide for the management, maintenance, improvement and development of the property belonging to or vesting in the Union Councils ;

(b) regulate the alienation of such property ; and

(c) provide for the compulsory acquisition of such immovable property as may be acquired by a Union Council for the purposes of this Ordinance.

62. Surcharge. — (1) Every member, official or servant of a Union Council and every person charged with the administration of its affairs or acting on its behalf shall be responsible for any loss, waste, misappropriation or misapplication of money or property belonging to it which is a direct consequence of his negligence or misconduct and shall be liable to pay such surcharge as may be determined by the Rural Areas Co-ordination Committee set up under section 94, and such amount shall be recoverable as an arrear of land revenue.

(2) Any person aggrieved by the imposition of surcharge under subsection (i) may prefer an appeal to the Federal Government whose decision shall be final.

CHAPTER XII LOCAL TAXATION

63. Local rate. — (1) All lands situated within the rural areas, other than those show as 'Gher Mumkin' or 'Banjar Kadim' in the revenue record, shall be subject to the payment of a rate to be known as local rate.

(2) The rate at which the local rate in respect of land holdings shall be levied or charged shall be such as the Federal Government may, by notification in the official Gazette, fix from time to time.

(3) The rate shall be assessed and collected in the prescribed manner and shall be credited to the Fund of the Union Council where the land is situate.

64. Taxes to be levied. A Union Council, subject to the provisions of any other law, may, and if directed by the Federal Government shall, levy all or any of the taxes, tolls, rates and fees enumerated in the Second Schedule.

65. Notification and enforcement of taxes. — (1) All taxes levied by a Union Council shall be notified and shall, unless otherwise directed by the Federal Government, be subject to previous publication.

(2) Where a tax is levied or modified, the, Union Council shall specify the date for the enforcement thereof and such tax or the modification shall come into force on such date.

66. Directions with regard to levy of tax, etc. — (1) The Federal Government may direct a Union Council—

(a) to levy a tax which a Union Council is competent to levy under section 64 ;

(b) to increase or reduce any such tax or the assessment thereof to such extent as may be specified ; or

(c) to suspend or abolish the levy of any such tax.

(2) If a direction issued under subsection (1) is not complied within the specified time, if any, the Federal Government may make an order giving effect to the direction.

67. Liability on account of taxes. — (1) A Union Council may, by notification, call upon any person to furnish such information, produce such record or accounts or to present such goods or animals liable to any tax as may be necessary for the purpose of determining the liability of such person, goods or animals to a tax.

(2) Any official of a Union Council authorised in this behalf may, after due notice, enter upon any building or premises for the purposes of assessing the liability of such building or premises to any tax, or inspecting any goods or animals therein liable to any tax.

(3) Any official of a Union Council authorised in this behalf may, in the prescribed manner, seize and dispose of goods or animals on which any tax is due and is not paid.

68. Collection and recovery of taxes, etc. — (1) All arrears of taxes, rents and other moneys payable to a Union Council under this Ordinance shall be recoverable as an arrear of land revenue.

(2) Notwithstanding the provisions of sub-section (1), the Federal Government may empower any Union Council to recover arrears of taxes and any other moneys payables to the Union Council under this Ordinance by distress and sale of the movable property belonging to the person concerned or by attachment and sale of the immovable property belonging to him.

(3) The Federal Government may, by rules, specify the officials or classes of officials by whom the power under sub-section (2) shall be exercised and prescribe the manner in which it shall be exercised.

69. Deduction of taxes from salaries. If a Union Council levies a tax on professions, trades or callings, it may require the employer of the person liable to such tax to deduct the tax from the salary or wages payable to such person, and on such requisition the amount of the tax due shall be deducted from the salary or wages of the person concerned and credited to the Local Fund of the Union Council.

70. Petitions against valuations assessment, etc. No assessment of a tax under this Ordinance or valuation therefor or the liability of a person to be so taxed shall be called in question except by a petition presented to such authority, in such manner and within such period as may be prescribed.

71. Taxation rules. — (1) All taxes and other charges levied by a Union Council shall be imposed, assessed, leased, compounded, administered and regulated in such manner as may be prescribed.

(2) Rules framed under this section may, among other matters, provide for the obligation of the tax-payer and the duties and powers of the officials and other agencies responsible for the assessment and collection of taxes.

CHAPTER XIII ANIMAL TRESPASS

72. Pounds. — (1) There shall be established one or more animal pounds in every local area as may be considered necessary by the Union Council.

(2) The Union Council may fix, from time to time, the location of the animal pounds and the rates of feeding, watering and accommodating the impounded animals.

73. Pound-keepers. The Union Council may appoint pound-keepers on whole-time or part-time basis on such terms and conditions as may be fixed by it.

74. Registers and returns. — (1) A pound-keeper shall keep such registers and furnish such returns as may be specified from time to time.

(2) When animals are brought to the pound, the pound-keeper shall enter in the register the number and description of the animals, the day and hour on which they were so brought, the name and residence of the seizer and of the owner, if known, and shall give the seizer or his agent a copy of such entry.

75. Possession and feeding. The pound-keeper shall take charge of, feed and water, the animals until they are disposed of in the manner hereinafter provided.

76. Power to seize. — (1) A cultivator, tenant or occupier of any land or the vendee or mortgagee of any land or crop or produce or any part thereof may seize or cause to be seized any animal trespassing on such land and doing damage thereto, or any crop or produce thereon, and send them or cause them to be sent within twenty-four hours to a pound established under this Ordinance.

(2) Persons in charge of public roads, playgrounds, plantations, canals, drainage works, embankments and other public places and the officers of police may seize or cause to be seized any animals doing damage thereto and shall send them or cause them to be sent, within twenty-four hours of the seizure, to the nearest pound.

(3) All officers of the police shall, when required, aid in preventing resistance to such seizures and rescues from persons making such seizure.

77. Fines for impounded animals. For every animal impounded as aforesaid, the pound-keeper shall levy a fine in accordance with the scale fixed by the Union Council and the fines so charged shall form part of and be deposited in the Local Fund.

78. Delivery or sale of animals. — (1) If the owner or his agent appears and claims the animals, the pound-keeper shall deliver them to him on payment of the fine and charges incurred in respect of such animals under proper receipt to be recorded by owner or his agent in the register.

(2) If the animals be not claimed within seven days of impounding, the pound-keeper shall inform the officer-in-charge of the police-station who shall thereupon display at a conspicuous place in his office a notice stating the number and description of animals and places of seizure and impounding and a similar notice shall be displayed at a conspicuous place in the office of the Union Council.

(3) If the animals be not claimed within seven days of the notice, they shall be sold by the Chairman or by his agent by open auction after giving sufficient publicity in the local area:

Provided that the person auctioning the animals or the pound-keeper or his relatives shall not bid for or purchase the impounded animals.

(4) The proceeds of the sale of animals shall be paid to the owner if he later on appears, after deducting the fines and feeding and other charges.

79. Illegal seizures. If the owner of an animal appears but considers the seizure to be illegal, he may, upon the payment of fines and charges incurred in respect of the animal, take delivery of the animal and may, within seven days of taking such delivery, institute proceedings in a Court for damages.

CHAPTER XIV

DANGEROUS AND OFFENSIVE ARTICLES AND TRADES

80. Dangerous and offensive articles and trades. — (1) The articles and trades given in the Third Schedule shall be deemed to be dangerous or offensive for the purposes of this section.

(2) Except under, and in conformity with the conditions of, a licence granted by the Union Council—

- (a) no person shall carry on any dangerous or offensive trade ;
- (b) no premises shall be used or suffered to be used for any dangerous or offensive trade ; and
- (c) no person shall store or keep in any premises—
 - (i) any dangerous or offensive article except for domestic use ; or
 - (ii) any dangerous or offensive articles in excess of such limits as may be fixed by bye-laws.

(3) A Union Council may, with the previous sanction of the Federal Government, prepare and enforce a scheme providing for the prohibition of dangerous and offensive trades in specified areas within its local area and for restriction of such trades in any area not so specified.

CHAPTER XV VILLAGE PANCHAYATS

81. Composition. — (1) A Panchayat for a village or a group of villages shall be constituted on the basis of consensus in such manner as may be prescribed.

(2) The number of members of a Panchayat, including its Chairman, shall be as follows namely, —

- (a) if the population does not exceed 2000.....200e 5
- (b) if the population exceeds 2000 0.0.00... eee 7

(3) The mode of election of the members and Chairman of a Panchayat, their tenure, vacation, and removal from office shall be such as may be prescribed.

82. Functions. A Panchayat shall undertake all or any of the following functions, namely—

- (a) Management of mosques ;
- (b) Pursuasion for praying and fasting ;
- (c) Establishing mosque schools ;
- (d) Teaching of Quran ;
- (e) Adult education;
- (f) Care of orphans and destitutes ;
- (g) Arrangement for Eid prayers and other religious gatherings;

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83. Application of certain sections to Panchayats. The Federal Government may, by notification in the official Gazette, declare that certain sections of this Ordinance pertaining to Union Councils shall be applicable to Panchayats as they apply to the Union Councils.

84. Supervision of Union Councils. — (1) The Federal Government shall exercise general supervision and control over the Union Councils in order to ensure that their activities

Settlement of minor disputes;

Eradication of social evils and prevention of juvenile delinquency;

Keeping record of persons residing in the Panchayat area.

Social boycott of habitual criminals;

Maintaining records of marriages and divorces;

Dissuading people from lavish spending or marriages .and other ceremonies;
Maintenance of ration depots ;

Management of irrigation watercourses ;

Watch and ward of the village ;

Maintenance of vital statistics ; and

Any other functions entrusted to Panchayats by the Union Councils or the Federal Government.

CHAPTER XVI

SUPERVISION OF UNION COUNCILS

conform to the provisions of this Ordinance.

(2) The Federal Government may call for any paper, document, register or record from a Union Council to see that its activities are in conformity with the provisions of this Ordinance and may make any order to ensure compliance with the provisions.

85. Inspections of Union Councils. — (1) The working of the Union Councils shall be inspected at least once in a financial year by officers to be specified who shall be known as Inspecting Officers.

(2) An Inspecting Officer shall have the power—

- (a) to enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immovable property occupied by a Union Councils or any institution maintained by, or any work in progress under the directions of, a Union Council ;
- (b) to call for and inspect or cause to be inspected files, registers, books or documents in the possession, or under the control, of a Union Council ;
- (c) to require the production of such statements, accounts, reports, documents and copies of documents relating to the proceedings of a Union Council as the Inspecting Officer may think fit ;
- (d) to attend meetings of a Union Council, but not the power to take part in discussions and other proceedings or to vote ; and
- (e) to inquire generally into the affairs of a Union Council.

86. Inspection Reports and action thereon. — (1) The inspection reports shall be prepared on such form as may be specified and shall be forwarded to the Union Council concerned within thirty days of the completion of inspection.

(2) An inspection report forwarded to a Union Council, it shall be placed before the next meeting of the Union Council for its information and compliance.

(3) Within thirty days of the meeting under sub-section (2), the Union Council shall annotate the inspection report and forward it to the Inspecting Officer who may issue such further directions and advice to the Union Council as may be necessary.

(4) If there is any dispute or difference of opinion between the Inspecting Officer and the Union Council, it shall be referred to the Federal Government whose decision shall be final.

87. Safeguards. If, in the opinion of the Federal Government, anything done or intended to be done by or on behalf of a Union Council is not in conformity with any provision of this Ordinance, it may, for reasons to be recorded-

- (a) quash the proceedings relating thereto ;
- (b) suspend the execution of any resolution passed or order made by the Union Council ; and
- (c) prohibit the doing of anything proposed to be done.

88. Powers to give directions. — (1) The Federal Government may direct a Union Council or its Chairman to take within such period as may be specified in the direction such action as may be necessary for carrying out the purposes of this Ordinance.

(2) Where, after due enquiry, the Federal Government is satisfied that a Union Council has failed to comply with any direction given under sub-section (1), it may appoint a person or persons to give effect to such directions and may further direct that the expenses incurred in connection therewith shall be borne by the Union Council.

(3) If the Union Council fails to pay the expenses referred to in sub-section (2), the Federal Government may make an order directing the person having the custody of the balance of the Local Fund of the Union Council to pay the expenses, or so much thereof as may, from time to time, be possible.

89. Inquiries. — (1) The Federal Government may, whether suo motu or on an application made to it by any person, cause an enquiry to be made by such person as may be authorised by it in this behalf into the affairs of a Union Council either generally or with reference to any particular matter and take such remedial measures as may be warranted by the findings of such inquiry.

(2) Such person shall, for the purposes of the inquiry, have the powers of a Court under the Code of Civil Procedure, 1908 (Act V of 1908), to take evidence and to compel the attendance of witnesses and the production of documents.

(3) The Federal Government may make an order as to the cost of the inquiry and the parties by whom it shall be paid.

(4) Any amount payable under sub-section (3) by any person not being a Union Council shall be recoverable as an arrear of land revenue.

90. Suspension of a particular department or institution. — (1) If after such enquiry as may, be necessary, the Federal Government is of the opinion that a Union Council is not able to run a particular department or institution efficiently, it may, by notification in the official Gazette, suspend the authority of the Union Council over such department or institution for such period as may be specified.

(2) Where the authority of a Union Council over any department or institution is suspended under sub-section (1), the Federal Government may itself take over the management of such department or institution or make such other arrangements for its management as it thinks fit, and may require the Union Council to place such amount as may be necessary for the management of such department or institution at its disposal and, in case the Council fails to comply with the requisition, it may direct the treasury, bank or person holding the funds of the Union Council to place the said amount at its disposal, and the budget of the Union Council shall be deemed to have been revised to that extent.

91. Suspension and dissolution. —(1) The Federal Government may, by notification in the official Gazette, suspend a Union Council if there are reasons to believe that the Union

Council—

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- (b)
- (c)
- (d)

is unable to discharge or persistently fails to discharge its duties ; or is unable to administer its affairs or meet its financial obligations ; or generally acts in a manner contrary to public interest ; or

otherwise exceeds or abuses its powers.

(2) On the publication of a notification under sub-section (1) —

- (a)
- (c)

the persons holding offices as Chairman, Vice-Chairman and members of the Union Council shall cease to hold offices;

all functions of the Union Council shall, during the period of suspension, be

performed by such person or authority as the Federal Government may appoint in this behalf ; and

all funds and property belonging to the Union Council shall, during the period of suspension, vest in the Federal Government.

(3) The Federal Government shall hold or cause to be held an inquiry into the grounds on which a Union Council is suspended under sub-section (1) and if, within a period of two months from the date of the suspension of the Union Council, the inquiry is not completed, the Union Council shall stand revived.

(4) If, as a result of the inquiry, the charges against the Union Council are proved, the Federal Government may dissolve the Union Council.

(5) When a Union Council is dissolved—

- (a)
- (b)

the Federal Government shall order fresh elections if the remaining term of the Union Council is not less than nine months and the term of office of the Union Council so reconstituted shall be the residue of the original term, and

if the remaining term is less than nine months, the person or authority referred to in sub-section (2) shall continue to perform the functions of the Union Council and its funds shall continue to vest in the Federal Government till the reconstituted Union Council assumes office.

92. Reporting and evaluation. A Union Council shall—

(a)

(b)

maintain such record of its working as may be required by the Federal Government;

prepare and publish such periodical reports and returns as may be required by the Federal Government ; and

(c) adopt such other measures as may be necessary or may be specified by the Federal Government from time to time for the publication of information about the working of the Union Councils.

93. Bar of suits. No suit or other legal proceedings shall lie against the Federal Government or any person or authority for any loss or damage of any kind caused by the suspension or dissolution of any Union Council.

CHAPTER XVII INTER-COUNCIL CO-ORDINATION

94. Co-ordination Committee. — (1) The Federal Government may set up a Co-ordination Committee for the rural areas to be called the Rural Areas Co-ordination Committee, hereafter in this Chapter referred to as the Committee.

(2) The Committee shall consist of—

(a) all Chairmen of the Union Councils ; and

(b) such number of official members as the Federal Government may nominate.

(3) The non-official members of the Committee shall elect from among themselves a Chairman for a period of one year and, if for any reason the Chairman of the Committee is unable to attend a meeting of the Committee, the non-official members present shall elect a Chairman to preside at such meeting.

95. Functions. The Committee may, among others, perform the following functions, namely—

(i) co-ordination of activities of all Union Councils and of all Government and semi-Government departments or institutions in the rural areas ;

(ii) settlement of Disputes among the Union Councils ;

(iii) co-ordination in matters like planning and implementation of local development schemes and the provisions of public services ;

(iv) levy of surcharge under section 62 ; and

(v) such other functions as the Federal Government may entrust to it from time to time.

CHAPTER XVIII

OFFENCES AND PENALTIES

96. Offences. Every act or omission specified in the Fourth Schedule shall be an offence under this Ordinance.

97. Punishments.—(1) Whoever commits any of the offences mentioned in Part I of the Fourth Schedule shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and if the offence is a continuing one, with an additional fine which may extend to one hundred rupees for every day after the first during which the offence continues.

(2) Whoever commits any of the offences mentioned in Part II of the Court Schedule shall be punishable with fine which may extend to five hundred rupees, and, if the offence is a continuing one, with an additional fine which may extend to fifty rupees for every day after the first during which the offence continues.

(3) The fine imposed under subsection (1) or sub-section (2) shall be credited to the Local Fund of the Union Council within whose jurisdiction the offence has been committed.

98. Compounding of offences.—(1) The Chairman or any person generally or specially authorized by a Union Council in this behalf may, at any time after the commission of an offence and before the conclusion of proceedings in the Court, compound any offence under this Ordinance.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

99. Cognizance of offences. No Court shall take cognizance of any offence under this Ordinance except on a complaint in writing made by the Chairman or a person generally or specially authorized by the Union Council in this behalf.

100. Summary disposal of cases.—(1) A Court taking cognizance of any offence punishable under this Ordinance, other than an offence mentioned in Part I of the Fourth Schedule, may state upon the summons to be served on the accused person that he may—

(a) appear through pleader and not in person ; or

(b) by a specified date, prior to the hearing of the charge, plead guilty by registered letter and remit to the court such amount, not exceeding one hundred rupees, as the court may specify.

(2) Where the accused person pleads guilty and remits the sum specified, no further proceedings in respect of the offence shall be taken against him.

CHAPTER XIX

MISCELLANEOUS

101. Appeals. — (1) Any person aggrieved by an order passed by a Union Council or its Chairman in pursuance of this Ordinance or the rules or byelaws may appeal to such authority, in such manner and within such period as may be prescribed.

[T(LA) An order in appeal shall not be passed without affording to the appellant an opportunity of being heard.]

(2) Any order passed in appeal shall be final.

102. Power to make rules. The Federal Government may make rules? for carrying out the purpose of this Ordinance.

103. Bye-laws—(1) A Union Council may, and if required by the Federal Government shall, make bye-laws not inconsistent with this Ordinance and the rules to carry out the purposes of this Ordinance.

(2) Any regulations and bye-laws made by any Local Council under the Order, if not inconsistent with this Ordinance or the rules, shall be deemed to be bye-laws made under this Ordinance.

104. General provisions relating to rules, etc.— (1) All bye-laws shall be made subject to the condition of previous publication.

(2) All rules and bye-laws shall be notified.

(3) Copies of rules and of bye-laws pertaining to a Union Council shall be kept available at the office of the Union Council for inspection and sale.

105. Delegation of powers. — (1) The Federal Government may, by notification in the official Gazette, delegate any of its powers under this Ordinance or the rules to any officer subordinate to it or to a Union Council:

Provided that an order passed by an officer to whom, or the Union Council to which, powers have been delegated under this subsection may be set aside or modified by the Federal Government if it is not in conformity with the provisions of this Ordinance or the rules or is against public interest.

[Ins. by the Capital Territory Government (Amtd.) Act, 1988 (4 of 1988), s. 2.
?For such rules, see the following notifications : —

(i) S.R.O. 758(1)/79, dated 28-8-79, Gaz. of P., 1979, Extra, Pt. II, pp 1316-55.
(ii) S.R.O. 821(1)/79, dated 15-2-79, Gaz. of P., 1979, Extra, Pt. II, pp 1467-70.
(iii) S.R.O. 822(1)/79, dated 15-2-79, Gaz. of P., 1979, Extra, Pt. II, pp 1470-71.

(iv) S.R.O. 959(1)/79, dated 18-10-79, Gaz. of P., 1979, Extra, Pt. II, pp 1735-38.

(2) A Union Council may, with the previous sanction of the Federal Government, delegate any of its powers under this Ordinance or the rules or bye-laws to its Chairman or sub-committee or any of its officers or members.

(3) A Chairman may, with the previous sanction of the Union Council concerned, delegate all or any of his powers under this Ordinance or the rules or bye-laws, not being powers delegated to him under subsection (2), to any member of the Union Council or any of its officers.

106. Transfer of institutions or service. Notwithstanding anything contained in this Ordinance or in any other law for the time being in force, the Federal Government may from time to time direct that subject to such terms and conditions as may be specified in the direction—

(a) any institution or service maintained by a Union Council shall be transferred to the management and control of the Federal Government ; or

(b) any institution or service maintained by the Federal Government shall be transferred to the management and control of a Union Council:

Provided that no direction regarding the transfer of any institution or service from a Union Council to the Federal Government or vice versa shall be given without the consent of the Union Council concerned.

107. Licences and sanctions.—(1) Wherever it is provided in this Ordinance or the rules or bye-laws that the permission or sanction of a Union Council shall be necessary to the doing of any act such permission or sanction shall be in writing.

(2) Every licence sanctioned or permission granted by or under the authority of a Union Council shall be signed by the Chairman or by such Official's of the Union Council as may be authorised in this behalf by the Union Council.

108. Institution of suits against Union Council, etc.—(1) A suit maybe instituted against a Union Council or against any member, official or servant of a Union Council in respect of any act done or purported to have been done in his official capacity after the expiration of one month next after a notice in writing has been, in the case of a Union Council, delivered or left at its office, and in the case of a member, official or servant, delivered to him or left at his office or residence, stating the cause of action, the name, description of place of residence of the intending plaintiff and the relief which he claims and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Where any such suit is instituted without delivering or leaving such notice as aforesaid or before the expiration of the said period of one month or, where the plaint does not contain a statement that such notice has been so delivered or left, or if settlement as regards the subject-matter of the suit is reached or the Union Council or the member or official or servant, as the case may be, concedes the plaintiff's claim within the period of one month from the date of institution of the suit, the plaintiff shall not be entitled to any cost:

Provided that, in a suit instituted without such notice, the Court shall allow not less than one month to the defendant to submit a written statement.

109. Notice and service thereof.—(1) Where anything is required to be done or not to be done by any person under this Ordinance or the rules or bye-laws, a notice shall be served on the person concerned specifying the time within which the requirements shall be complied with.

(2) No notice shall be invalid for defect of form.

(3) Every notice shall, unless otherwise provided, be served or presented by giving or tendering the notice or sending it by post to the person for whom it is intended or by affixing it on some conspicuous part of his residence or place of business.

(4) A notice intended for the public in general shall be deemed to have been sufficiently served if a copy thereof is affixed in such public place as may be determined by the Union Council.

110. Records to be public documents. All records prepared or registers maintained under this Ordinance shall be deemed to be public documents within the meaning of the Evidence Act, 1872 (I of 1872).

111. Members and servants of Union Councils to be public servants. Every member and every servant of a Union Council and every other person duly empowered to act on behalf of a Union Council shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

112. Bar against employment. A Chairman or a member of a Union Council shall not be employed under that Union Council for a period of one year from the date on which he ceases to be a Chairman or member, as the case may be.

113. Protection of action taken in good faith. No suit, prosecution or other legal proceeding shall lie against the Federal Government or any Union Council or against any person authorised by either of them for anything in good faith done or intended to be done under this Ordinance or for any damage caused or likely to be caused by any such action.

114. Bar of Jurisdiction. No civil Court shall have jurisdiction to entertain, hear or adjudicate upon any suit, appeal or other proceedings, grant any injunction, issue any process or make any order in relation to anything done or intended to be done by a Union Council or any authority or officer authorised by it, under the provisions of sections 48, 49, 68 and 80.

CHAPTER XX TRANSITORY PROVISIONS

115. Interim authorities. In any area within the jurisdiction of a Union Council constituted under the Order in which the provisions of this Ordinance are brought into force but a Union Council is not constituted under this Ordinance or has been dissolved, then, notwithstanding anything contained in this Ordinance, the Federal Government may, by order, empower a person or persons to perform all or any of the functions of such Union Council as had jurisdiction therein immediately before such enforcement or dissolution, as the case may be, or such functions of a Union Council under this Ordinance as may be specified in the Order, until a Union Council under this Ordinance for the area assumes office in accordance with the provisions of this Ordinance.

116. Interim maintenance of institutions. Where, on the enforcement of this Ordinance in any local area, any service undertaken or institution maintained by the Federal Government is required under any of the provisions of this Ordinance to be undertaken or maintained by a Union Council, such service or institution shall, notwithstanding anything contained in this Ordinance, continue to be undertaken or maintained by the Federal Government until the management thereof is duly transferred to the Union Council.

117. Interim budgets. Where a Union Council assumes office under this Ordinance for the first time, its budget for the financial year during which it assumes office shall relate to the remaining period of that year and the provisions, regarding budget under this Ordinance shall mutatis mutandis apply to such budget.

FIRST SCHEDULE
FUNCTIONS OF THE UNION COUNCILS
(Section 47)

General

1. Provision, maintenance, improvement and management of public roads, public streets and public ways, culverts and bridges and public buildings.
2. Plantation and preservation of trees on road sides, public ways, public places and buildings.
3. Provision and maintenance of public gardens, public playgrounds and public places.
4. Protection of foodstuffs and prevention of adulteration.
5. Provision and maintenance of adequate system of public drains and regulation of the disposal of industrial wastes.
6. Maintenance or regulation of public ferries other than those maintained by the Federal Government.
7. Improvement of breeding of cattle, horses and other animals and the prevention of cruelty to animals.
8. Provision, maintenance and improvement of pastures and grazing grounds.
9. Regulation of milk supply.
10. Establishment and maintenance of cattle colonies.
11. Establishment and maintenance of cattle farms and dairies.
12. Measures to combat ordinary and contagious diseases of birds and animals.

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Holding of fairs and shows.

Promotion of public games and sports.

Provision, organization and maintenance of museums, exhibitions and art galleries.

Provision and maintenance of public halls, public meeting places and community centres.

Celebration of national occasions.

Establishment and maintenance of information centres.

Reception of distinguished visitors.

Relief measures in the event of any fire, flood, hailstorm, earthquake, famine and other natural calamities.

Provision and maintenance of libraries and reading rooms.

Prevention and abatement of nuisances.

Regulation of traffic, licensing of vehicles other than motor vehicles and the establishment and maintenance of public stands for vehicles.

Lighting of public ways, public streets and public places.

Management and maintenance of shamilats, burning and burial grounds, common meeting places and other common property.

Provision and maintenance of accommodation for travellers.

Sanitation, conservancy, and the adoption of other measures for the cleanliness of the local area.

Regulation of the collection, removal and disposal of manure and street sweepings.

Regulation of offensive and dangerous trades.

Regulation of the disposal of carcasses of dead animals.

Regulation of the slaughter of animals.

Regulation of the erection and re-erection of buildings in the local area.

Regulation of dangerous buildings and structures.

Provision and maintenance of wells, water pumps, tanks, ponds, and other works for the supply of water.

35. Adoption of measures for preventing the contamination of the sources of water-supply for

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drinking.

Prohibition of the use of the water of wells, ponds and other sources of water supply suspected to be dangerous of public health.

Regulation or prohibition of the watering of cattle.

Regulation or prohibition of the steeping of hemp, jute or other plants in or near ponds or other sources of water-supply.

Regulation or prohibition of dyeing or tannings of skins, or other material within residential areas.

Regulation or prohibition of the establishment of brick kilns, potteries and other kilns within the residential areas.

Regulation of births and deaths, and the maintenance of such vital statistics as may be prescribed.

Voluntary registration of the sale of cattle and other animals.

To report to the police the commission of any offence, to bring to the notice of

the police the presence, in the local area, of persons of notorious character, and to assist in the investigation and prevention of crime, and in arresting criminals.

Provision of first-aid centres.

Aid in the promotion of education under the direction of the Federal Government.

To report to competent authority all cases of damage to or encroachment upon any public road, street, way or ;any public places building or property.

To publicize in the local area all matters the publicity of which is required by the Federal Government or other competent authority.

To assist officials in the execution of their official duties and to furnish such information as may be required by them for official purpose.

Construction and maintenance of mosques and to provide for religious education.]

Added by the Capital Territory Local Government (Amtd.) Act, 1988 (4 of 1988), s. 3.

Development

1.

Aggregation of the financial allocation physical programmes and _ targets received from the Federal Government in different sectors and to draw to a Union Development Programme. In this work the Council will take into account Federal Projects of the respective areas.

To facilitate the formation of associations for the performance of tasks that can be done only collectively or can better be performed collectively, for example, consumer associations for distribution of electricity, farmers associations for watercourses management, associations for distribution of agriculture inputs and co-operative marketing associations.

To discharge the overall responsibility for the identification, appraisal and approval of projects prepared and to be constructed by Union Councils in the following sub-sectors:—

Primary, middle and secondary schools.

Rural health centres.

Basic health units.

Family welfare clinics.

Piped water supply.

Portable water-storage tanks.

Hand pumps.

Sanitation.

Rural roads.

To arrange the procurement and distribution of locally made equipment and materials for health centers and schools.

To take appropriate measures for the development of skills, crafts and cottage industries (Development of skills would include promotion of industrial homes, domestic and cottage level crafts and trades, modest repairs of agricultural and other machinery, training of dehi mazdoors).

To review the implementation of development programmes by holding review meetings as well as through periodic inspections and progress reports.

To submit to the Federal Government regular progress reports on the implementation of development projects at different levels within the local area.

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To evolve standard designs and specifications to the extent possible and desirable in harmony with the general conditions obtaining in the local area and use appropriate technology to execute its development projects on a more economic basis.

To monitor the supply of agricultural and service inputs and to make appropriate recommendations to the concerned authorities.

Disseminate information about the projects and allocations of funds for the development programmes to keep the people fully informed about the projects to be executed.

Popularization of improved methods of agriculture, maintenance of improved agricultural implements and lending of such implements and machinery to cultivators and adoption of measures for bringing waste land under cultivation.

Promotion of agricultural credit, agricultural education and adoption of other measures likely to promote agricultural development.

Adoption of measures for increased food production.

Identify gaps in various sectors in the local area and to take steps to remove these gaps with the available resources in accordance with the priorities.

Circulate widely the information on the projects, allocations and physical programmes to be executed by various line departments and the Union Council to enlist voluntary financial and material support to the local development programmes and to stimulate better community supervision.

To encourage and to facilitate the formation of associations for collective use and collection of charges for services such as watercourse management, co-operative tube-well development.

To assist the village revenue officials in the local area by whatever name called or designated, in the proper performance of their duties with regard to the collection of rent or land revenue, and the general administration.

Social Welfare and Community Development.

- 1.

Establishment, management and maintenance of welfare homes and other institutions for the relief of the destitutes.

Suppression of beggary, prostitution, gambling, taking of injurious drugs, consumption of alcoholic liquor and other social evils.

Formulation of execution of community development projects.

Establishment of socio-economic centers and industrial homes for needy women.

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blishment of rescue homes for insecure women.

blishment of homes for women without support.

blishment of hostels for working women.

blishment of model orphanages.

blishment of day care centers for children of working mothers.
blishment of centers for recovery of kidnapped and lost children.
blishment of baby homes for abandoned children.

blishment of in service and child welfare training institutions.
blishment of craft training centers for women.

blishment of holiday centers and multi-purpose community centers.

blishment of care, vocational training, placement and rehabilitation centers
for the blind.

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blishment of vocational training, placement and rehabilitation centers for
the deaf and dumb.

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blishment of sheltered workshop for the physically handicapped.

blishment of sheltered workshop for the mentally retarded.

blishment of artificial limb centers.

Relief for the widows and orphans, and the poor and persons in distress.

Any

other measures likely to promote the welfare, health, safety, comfort or
convenience of the inhabitants of the local area or of visitors.

Any

other function that may be assigned by the Federal Government.

SECOND SCHEDULE TAXES, TOLLS, RATES AND FEES OF UNION COUNCILS

(Section 64)

The following taxes will be levied by Union Councils.

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Tax on cinemas and cinema tickets.

Entertainment tax on dramatical and theatrical shows.

Tax on annual rental value of buildings and land,

Hearth tax.

Tax on the birth of children.

Marriage tax.

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Tax on animals.

Tax for the construction of maintenance of any work of public utility.

Tax on feasts where more than twenty persons, not belonging to the household of the person arranging the feast, are entertained with foodstuffs.

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Tax on profession, callings and employment.

Tax on vehicles other than motor vehicles and including carts, bicycles and tongas.

Community tax on the adult males for the construction of a public work of general utility for the inhabitants of the local area.

Iomitted by Act 4 of 1999, s.30.

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Tolls on roads, bridges and ferries maintained by the Union Council.

Rates on the services like water-supply drainage, lighting provided by the Union Council.

Rates for the remuneration of village police.
Fee on the slaughter of animals.

Fee for erection and re-erection of buildings.
Market fees.

Fees at fairs, agricultural shows, industrial exhibitions, tournaments and other public gatherings.

Fees for specific services rendered by a Union Council.

Surcharge on any of the taxes levied by the Federal Government.

THIRD SCHEDULE

DANGEROUS AND OFFENSIVE ARTICLES AND TRADES (Section 80)

The business of storing or selling timber, firewood, coal, charcoal and coke, hay, straw, grass and bamboo, jute shrub, hemp, munj and their products, matches, explosives, petrol, oil and lubricants, paper, ghee and other dangerously inflammable materials.

Sugar refining and sugar refineries.

Preparation of aerated water.

Operating or running bake houses.

Electroplating.

Welding.

Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever, blasting., powder, ammunition, fireworks, gun-powder, sulphur, mercury, gases, gun cotton, saltpeter, nitrocompounds, nitromixtures,

phosphorous or dynamite.

Cleaning, dyeing, preparing or manufacturing by any process whatever, clothes or yarn in indigo and other colours.

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Storing, processing, cleaning, crushing, melting, preparing or manufacturing by any process whatever or dealing in bones, tallow, offal, fat, blood, soap, raw hides and skins, candles, manure, catgut and oil cloth.

Manufacturing oils.

Washing or drying wool or hair.

Making or manufacturing bricks, surkhi, tiles or earthenware pots, clay pipes or other earthenware by any process of baking or burning.

Burning or grinding of limestone or metal stone or storing of lime for sale.
Cleaning or grinding, of grain or chillies by any kind or class of machinery.
Keeping animals likely to create nuisances.

Fellmongering.

Casting of heavy metals such as iron, lead and copper.

Dealing in chemicals, liquid or otherwise.

Wholesale storing, cleaning, pounding, and selling of tobacco except the storing of tobacco required for the preparation of bidis, cigars or cigarettes.

Operating or running tin factories.

Manufacture of safes, trunks and boxes.

Marble cutting and polishing.

Glass levelling and polishing.

Manufacture of cement and hums pipes.

Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever, rags, pitch, tar, turpentine, demmar, cocoanut, fibre, flax, hemp, rosin or spirit.

Tanning, pressing or packing hides or skins whether raw or dry.

Trade or operation of a farrier.

Working of power-looms, rice husking plants, steam whistle, steam trumpet or electric or hand operated sirens beyond hours fixed for their operation by a

Union Council.

Discharging fire-arms and letting off fire-works, fire balloons or detonators or any game dangerous to life, dwelling and other property.

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Any other article or trade declared by the Federal Government or the Union Council to be dangerous to life, health, or property or likely to cause nuisance either from its nature or by reason or the manner in which or the conditions under which the same may be processed or carried on.

FOURTH SCHEDULE
OFFENCES UNDER THE ORDINANCE
(Section 96)

PART I

Encroachment, movable or immovable, on any property or on any open space or land vesting in or managed, maintained or controlled by a Union Council or on, over or under a street, road, graveyard or a drain within the limits of a Union Council without the sanction of the Union Council.

Carrying of any dangerous or offensive trade or storing any offensive or dangerous articles without the sanction required under the Ordinance.

Tampering with any road, drain, pavement, main pipe, meter or any apparatus or appliance for the supply of water.

Exhibiting any obscene advertisement.

Stocking or collecting of timber, wood, dry grass, straw or other inflammable material in a manner which is declared by the Union Council to be dangerous.

Discharge fire-arms or letting off fire-works, cracker fire balloons or detonators or engaging in any game in such manner as causes or is likely to cause danger to persons passing by or living or working in neighborhood, or sick or injury to property.

Willfully obstructing any officer or servant of a Union Council or any person authorised by the Union Council in the exercise of powers conferred by or under the Ordinance.

Fixing of wooden Khokhas, plying of hand carts for the sale of goods and temporary shops or permanent shops or extension thereof on footpaths or beyond the street line.

Opposing forcible seizure of animals under the Ordinance or rescuing the seized animals either from the pound or from any person taking them to a pound.

Erection or re-erection of a building without the sanction, required under the Ordinance or using for a purpose other than for which erection or re-erection was sanctioned.

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Dyeing or tanning skins within such distance of the residential area as may be specified by the Union Council for the supply of water.

Establishing a brick kiln, lime kiln, charcoal kiln, or pottery within such distance of the residential area as may be specified by the Union Council.

Failure to demolish or otherwise secure a building declared by the Union Council to be dangerous building.

Failure of industrial or commercial concerns to provide adequate and safe disposal of affluent.

Failure by the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth declared by a Union Council to be injurious to health or offensive to the neighborhood.

Quarrying, blasting, cutting timber or carrying building operations in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighborhood.

Being an officer or servant declared by the Union Council to be an essential officer or servant to be absent from duty, or to neglect or refuse to perform any of the duties or to perform the wilfully in an inefficient manner.

Cutting down of any tree, or cutting of a branch of any tree, or erection or demolition of any building or part of a building where such action is declared under the Ordinance to be a cause of danger or annoyance to the public.

Attempts and abetments of any of the offences as aforesaid.

PART II

Without the permission of the Union Council, causing or knowingly or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow, or drain to be put upon any street, or public place or

into any irrigation channel or any sewer or drain not set apart for the purpose.

Laying out a drain or altering any drain in a street without the sanction required under the Ordinance.

Connecting any house drain with a drain in a public street without the permission required under the Ordinance.

Using water for drinking from any source which is suspected to be dangerous to public health and the use thereof has been prohibited by the Union Council.

Excavation of earth, stone or any, other material within such distance of the residential area as specified by the Union Council.

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Disposing of carcasses of animals within prohibited distance and removal of fat from a dead animal other than a slaughtered animal.

Slaughtering of animals for the sale of meat at a place other than the place set apart for the purpose.

Burying or burning a dead body at a place which is not a public or registered burial or burping place, except with the sanction of the Union Council.

Evasion of payment of a tax or other impost lawfully levied by a Union Council.

Failure to furnish, on requisition, information in respect of any matters which a Union Council is authorized to call for under any of the provisions of the Ordinance, rules or bye-laws or furnishing wrong information.

Doing an act without licence or permission when the doing of such act requires a licence or permission under any of the provisions of the Ordinance or the rules or bye-laws.

Picketing, parking animals or collecting carts or vehicle on-any street, using any street as a halting place for vehicles or animals or as a place of encampment without the permission of the Union Council concerned.

Causing or permitting animals to stray or keeping, tethering stalling, feeding or grazing any cattle on any road, street or thoroughfare or in any public place or

damaging or causing or permitting to be damaged any road street or thoroughfare by allowing cattle to move thereon.

Throwing or placing any refuse on any street, or in any place, not provided or appointed for the purpose by a Union Council.

Doing any act by which water for drinking is rendered unfit for such use.

Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public.

Steeping hemp, jute or any other plant in or near a pound or any other excavation within such distance of the residential area as may be specified by a Union Council.

Wilfully or negligently injuring or suffering to be injured, wells, reservoirs, mains, pipes or other appliances for the supply of water under the management or control of a Union Council.

Drawing off, diverting or taking any water except with the permission required under the Ordinance.

Failure to provide, close, remove, alter, repair, clean, disinfect or put in proper order any latrine, urinal, drain, cesspool or other receptacle for filth, sullage, water or refuse when so required by a Union Council.

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Failure by the owner or occupier of any land to cut or trim the hedges growing thereon which overhang any well, tank or other source from which water is derived for public use.

Cultivation of such crops, use of such manure or irrigation of any land in such manner as is declared under the Ordinance to be injurious to public health qtr offensive to the neighbourhood.

Failure by the owner or occupier of any land or building to clean, repair, cover, fill up or drain off any private well, tank or other source of water supply, which is declared under the Ordinance to be injurious to health or offensive to the neighbourhood,

Failure of an owner or occupier of any building or land to put up and keep in good condition troughs and pipes for receiving or carrying water or sullage water.

Sale of article of food or drink by a person suffering from any infectious disease.

Feeding or allowing to be fed any animal meant for dairy or food purposes on deleterious substance, filth or refuse of any kind.

Defacing or disturbing any direction-post, lamp-post or lamp, or extinguishing any light arranged by a Union Council without due authority.

Fixing any bill, notice, placard or other paper or means of advertisement against-or upon any building or place other than the places fixed for the purpose by a Union Council.

Playing of music or radio, beating a drum or tom-tom, blowing a horn or trumpet or beating or sounding any brass or other instrument or utensil in contravention of any general or special prohibition issued by a Union Council.

Letting loose or setting in ferocious dogs or other dangerous animals.

Using or allowing the use for human habitation of a building declared by a Union Council to be unfit for human habitation.

Failure to lime-wash or repair a building if so required by a Union Council.

Failure by the owner or occupier of a building to make adequate arrangements for house scavenging when so required by a Union Council.

Begging importunately for alms or exposing or exhibiting with the object of exciting charity any deformity or disease or any offensive sore or wound.

Failure of the head of family to report the birth or death to a Union Council or a person appointed in this behalf within a reasonable time.

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Any owner or keeper of an animal who through neglect or otherwise damages or causes or permits to be damaged any land or crop or produce of land, or any public road, by allowing such animals to trespass thereon.

Releasing, purchasing or delivering animals contrary to the provisions of Chapter XIII of the Ordinance or omitting to provide any impounded animal with sufficient food and water by the pound keeper.

Doing of any other act which is prescribed as an offence under the Ordinance.

Contravening any of the provisions of the Ordinance, rules or bye-laws, or any order, direction, notice or declaration made or issued thereunder.

Attempts and abetments of any of the offences as aforesaid.